

**Town Board Minutes**

**Meeting  
No. 26**

***Special Meeting***

**September 20, 1999**

## Town Board Minutes

September 20, 1999

Meeting No. 26

A joint meeting of the Town Board and the Planning Board of the Town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 20<sup>th</sup> day of September 1999, at 6:00 PM and there were

**PRESENT:** ROBERT GIZA, SUPERVISOR  
NEIL CONNELLY, COUNCIL MEMBER  
WILLIAM MARYNIEWSKI, COUNCIL MEMBER  
MARK MONTOUR, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
REBECCA ANDERSON, PLANNING BOARD MEMBER  
FRANK DE CARLO, PLANNING BOARD MEMBER  
JOHN GOBER, PLANNING BOARD MEMBER  
MELVIN SZYMANSKI, PLANNING BOARD MEMBER

**ABSENT:** DAVID MARRANO, PLANNING BOARD CHAIRMAN  
STEVEN SOCHA, PLANNING BOARD MEMBER  
MILDRED WHITTAKER, PLANNING BOARD MEMBER

**ALSO PRESENT:** ROBERT THILL, TOWN CLERK  
RICHARD SHERWOOD, TOWN ATTORNEY  
ROBERT LANEY, BUILDING INSPECTOR  
ROBERT LABENSKI, TOWN ENGINEER

### **PURPOSE OF MEETING:**

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of adopting a Final Scoping Document for the NEC Transit/William LLC rezone petition.

THE FOLLOWING RESOLUTION WAS OFFERED BY  
COUNCIL MEMBER CONNELLY, WHO MOVED  
ITS ADOPTION, SECONDED BY PLANNING  
BOARD MEMBER ANDERSON, TO WIT:

**WHEREAS**, the Town Board by resolution adopted on September 7, 1999 designated an open Public Scoping Comment Period for the NEC Transit/William LLC rezone petition to end at 5 P.M. on September 15, 1999, and

**WHEREAS**, TVGA engineers, retained consultants of the Town of Lancaster in this rezone matter, have reviewed the comments submitted during this open scoping period from the petitioners, involved agencies, the public and those items identified in the Positive Declaration and the SEQR Scoping Checklist Document prepared by the Municipal Review Committee, and

**WHEREAS**, TVGA Engineers by letter dated September 16, 1999 has prepared a final Scoping Document for presentation to the developer specifying those items to be addressed in the Draft Environmental Impact Statement, and

**WHEREAS**, the Municipal Review committee wishes to formally adopt a final Scoping Document in this matter.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the final Scoping Document as prepared by TVGA Engineers dated September 20, 1999 entitled "Final Scope Draft Environmental Statement Proposed Rezoning and Retail Development NEC Transit/William LLC" be and is hereby adopted with the modifications set forth in the second resolve of this resolution, and

**BE IT FURTHER**

**RESOLVED**, that the Final Scoping Document as prepared by TVGA Engineers dated September 20, 1999 be amended by inclusion of the following additional scoping items:

- Page 2 - item B.3. - Add to end of paragraph "Storm water quality must be addressed".
- Page 3 - item C - Add - 3. "Storm water quality".

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

SUPERVISOR GIZA	VOTED YES
COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER DE CARLO	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD CHAIRMAN MARRANO	WAS ABSENT
PLANNING BOARD MEMBER SOCHA	WAS ABSENT
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD MEMBER WHITTAKER	WAS ABSENT

September 20, 1999

**ADJOURNMENT:**

ON MOTION DULY MADE, SECONDED AND CARRIED, this meeting was adjourned at 6:40 P.M.

Signed Robert P. Thill  
Robert P. Thill, Town Clerk

**Town Board Minutes**

# **Town Board Minutes**

**Meeting  
No. 27**

***Regular Meeting***

**September 20, 1999**

## **Town Board Minutes**

**September 20, 1999**

**Meeting No. 27**

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 20th day of September, 1999 at 8:00 P.M. and there were

**PRESENT:** NEIL CONNELLY, COUNCIL MEMBER  
WILLIAM MARYNIEWSKI, COUNCIL MEMBER  
MARK MONTOUR, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR

**ABSENT:** NONE

**ALSO PRESENT:** ROBERT THILL, TOWN CLERK  
ROBERT LABENSKI, TOWN ENGINEER  
RICHARD SHERWOOD, TOWN ATTORNEY  
ROBERT LANEY, BUILDING INSPECTOR  
JOHANNA COLEMAN, RECEIVER OF TAXES  
CHRISTINE FUSCO, ASSESSOR  
RICHARD REESE JR., HIGHWAY SUPERINTENDENT

### **PERSONS ADDRESSING TOWN BOARD:**

**Bastian, Norman**, 5747 Genesee Street, spoke to the Town Board on the following matters:

- Asked if a building permit was issued to Jack Wicks.
- Lots of record and the size of building lots in a district without sewers..

**Beutler, Daniel**, 26 Tyler Street, spoke to the Town Board on the following matters:

- Time and dates of public meetings on the comprehensive plan.
- The need to disregard party affiliation and move forward on the Town's Master Plan.

**Hammer, Fred**, 240 Ransom Road spoke to the Town Board on the following matters:

- Speeding on Lake Avenue and drivers ignoring stop signs.
- Master Plan development for Town of Lancaster for the next 20 years.
- Taxes are too high.

**Juszczak, Joseph**, 600 Pleasant View Drive, spoke to the Town Board on the following matter:

- Two parking tickets issued for a Police vehicle in Buffalo.

**Schneggenburger, Roy**, 87 Stony Road, spoke to the Town Board on the following matters:

- Asked questions about prefiled resolution #13.
- Asked about any dumping permits that were issued for properties on Hedge Lane.
- Alleged illegal dumping of materials on properties on Hedge Lane.
- Failure of Police Chief to honor FOIL requests.

**PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:**

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed amendment to the Vehicle and Traffic Ordinance of the Town of Lancaster.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

**PROPOSERS**

None

**OPPOSERS**

None

**COMMENTS & QUESTIONS**

Roy Schneggenburger

**ADDRESS**

87 Stony Road, Lancaster

ON MOTION BY COUNCIL MEMBER CONNELLY, AND SECONDED BY COUNCIL MEMBER STEMPNIAK AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 8:35 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.



**PUBLIC HEARING SCHEDULED FOR 8:40 P.M.:**

At 8:40 P.M., the Town Board held a Public Hearing to hear all interested persons upon the application of Sealing Devices for a Special Use Permit for a Commercial Recreation Activity.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

**PROPOSERS**

**ADDRESS**

Terry Galanis, the petitioner

**OPPOSERS**

**ADDRESS**

None

**COMMENTS & QUESTIONS**

**ADDRESS**

Roy Schneggenburger

87 Stony Road, Lancaster

ON MOTION BY COUNCIL MEMBER MARYNIEWSKI, AND  
SECONDED BY COUNCIL MEMBER MONTGOMERY AND CARRIED, by unanimous voice  
vote, the Public Hearing was closed at 8:50 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter  
spread at length in these minutes, taking favorable action upon this matter.

**PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER CONNELLY, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MARYNIEWSKI, TO WIT:

**RESOLVED**, that the minutes from the Joint Meeting of the Town Board  
and the Planning Board held on September 7, 1999, and the Regular Meeting of the Town  
Board held on September 7, 1999, be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a  
vote on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 20, 1999

file: RMIN (P3)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER CONNELLY, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the Bowmansville Volunteer Fire Association, Inc., by  
letter dated September 7, 1999 has requested the addition of one probationary active member to  
the membership roster of said fire association,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby  
confirms the following addition to the membership of the Bowmansville Volunteer Fire  
Association:

**ADDITION - Probationary Active Member:**

Eugene Keller  
24 Redlein Drive  
Lancaster, New York 14086

The question of the adoption of the foregoing resolution was duly put to a vote on  
roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 20, 1999

File: RFIRE (P2)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS**, the developer did not develop the proposed commercial area beyond Tops within the one-year extension of site plan approval granted by the Town Board on July 20, 1998, and

**WHEREAS**, the developer has now requested the re-approval of the plan for the additional commercial development with an area of the commercial improvement being moved on the site plan to the west toward Transit Road approximately seventy-five (75) feet with no impairment of the required parking, and

**WHEREAS**, the Town Board has duly reviewed and considered the Submittal and request by the developer;

**NOW, THEREFORE, BE IT  
RESOLVED**, as follows:

1. The Town Board of the Town of Lancaster hereby approves an amended Site Plan , Revised September 1, 1999, submitted by Benderson Development Company, Inc. which illustrates an area of the commercial development which has been moved westerly toward Transit Road without impairment of the required parking.

2. This extension of site plan approval shall be for a period of one year from the date of this resolution.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 20, 1999

File: rtrchm.999

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS**, the Town of Lancaster has received a request from Sprint PCS to permit a co-location by AT & T on the telecommunications tower on Town-owned property under lease to Sprint, and

**WHEREAS**, the Lease Agreement provides that co-locators may be placed on the tower only after the proposed co-locator has negotiated an Agreement with the Town for the co-location, and

**WHEREAS**, the Town has reached an Agreement with AT & T for co-location on the Sprint Tower by which Agreement AT & T will pay the Town for the right to co-locate;

**NOW, THEREFORE, BE IT**

**RESOLVED**, as follows:

1. That the Supervisor of the Town of Lancaster is hereby authorized to execute the Agreement as negotiated with AT & T for co-location on the Sprint Tower; and
2. Sprint shall be permitted to accept the co-location of AT & T on the Sprint Telecommunications Tower located at 5045 Transit Road, Lancaster, New York.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 20, 1999

File: rat&t.999

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50-Zoning Section 24(B) (1) (f) of the Code of the Town of Lancaster upon the application of **SEALING DEVICES**, for a Special Use Permit for a Commercial Recreation Activity on premises located at 4375 Walden Avenue, Lancaster, New York, and

**WHEREAS**, persons for and against such Special Use Permit have had an opportunity to be heard:

**NOW, THEREFORE, BE IT**

**RESOLVED**, that pursuant to §50-24 (B) (1) (f) Commercial Commercial Recreation Activity, of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit for a Commercial Recreation Activity on premises locally known as 4375 Walden Avenue, Lancaster, New York, upon the terms and conditions as set forth in the Zoning Ordinance of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 20, 1999

File: rasup.999

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA , WHO MOVED  
ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS,** the Town of Lancaster intends to apply for Federal Community Development Funds, known as Community Development Block Grant funds for the year 2000-2001 and must identify eligible projects which would benefit low to moderate income persons in the Town, and

**WHEREAS,** the Town Board of the Town of Lancaster deems it in the public interest to hold a Public Hearing to provide an opportunity for citizens to express community development and housing needs and to discuss proposal to meet those needs to assist the Town Board in developing the Town application for Community Development Block Grant funds;

**NOW, THEREFORE, BE IT**

**RESOLVED,** that a Public Hearing to provide an opportunity for citizens to express community development and housing needs and to discuss possible projects which would benefit low and moderate income persons in the Town of Lancaster, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 4th day of October, 1999, at 8:30 o'clock P.M., Local Time, and that Notice of the time and place of such Hearing be published in the Lancaster Bee, the Official newspaper and be posted on the Town Bulletin Board , which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 20, 1999

File: redbgh.099

**NOTICE OF PUBLIC HEARING  
NOTICE TO CITIZENS  
OF THE  
TOWN OF LANCASTER**

A Public Hearing will be held on the 4th day of October, 1999, at 8:30 o'clock P.M., Local Time, at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, regarding the use of Federal Community Development funds in the Town of Lancaster.

The Town of Lancaster is eligible for a Federal Community Development Grant under Title I of the Housing and Community Development Act of 1974, as amended.

The purpose of the Hearing is to provide an opportunity for citizens to express community development and housing needs and to discuss possible projects which would benefit low and moderate income persons in the Town of Lancaster.

Citizens are urged to attend this meeting to make known their views and/or written proposals on the Town of Lancaster's selection of potential projects to be submitted for possible funding by the Federal Community Development Grant Program.

The Hearing will also present a review of prior Community Development projects and expenditures and a discussion of eligible activities. The meeting room is wheelchair accessible. Those needing special arrangements should call the Lancaster Town Clerk's Office at (716) 683-9028 by September 29, 1999.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**BY: ROBERT P. THILL  
Town Clerk**

September 20, 1999



THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED  
ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER CONNELLY, TO WIT:

WHEREAS, LANCASTER AIRPORT, INC., 4343 Walden Avenue,  
Lancaster, New York, is the owner of a parcel of property on the south side of Walden  
Avenue, west of Ransom Road and locally known as 4343 Walden Avenue, in the Town of  
Lancaster, and

WHEREAS, LANCASTER AIRPORT, INC. has made an application to  
Erie County Sewer District No. 4 to be an "out of district" customer and such application has  
been approved;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby grants  
the Lancaster Airport, Inc., permission to become an "out of district" customer of Erie County  
Sewer District No. 4, for service to be limited to its property located on the south side of  
Walden Avenue, west of Ransom Road, in the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a  
vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 20, 1999

File: rodswr4.099

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER CONNELLY, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, a Public Hearing was held on the 20th day of September, 1999  
for the purpose of amending Chapter 46 - Vehicle and Traffic Ordinance of the Code of the  
Town of Lancaster; and persons for and against such amendment have had an opportunity to be  
heard,  
and

WHEREAS, a Notice of said Public Hearing was duly published and posted;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That Chapter 46, Vehicle and Traffic Ordinance of the Code of the Town  
of Lancaster be amended in the form attached hereto and made a part hereof;
2. That said amendment be added in the minutes of the meeting of the Town  
Board of the Town of Lancaster held on September 20, 1999;
3. That a Certified Copy thereof be published in the Lancaster Bee on  
September 24, 1999;
4. That a Certified Copy of the amendment be posted on the Town Bulletin  
Board;
5. That Affidavits of Publication and Posting be filed with the Town Clerk;
6. That the Highway Superintendent take whatever action is necessary to  
install signs in accordance with the Law.

The question of the adoption of the foregoing resolution was duly put to a  
vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 20, 1999

File: rvtorda.999

**LEGAL NOTICE  
NOTICE OF ADOPTION  
AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE  
TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK**

**NOTICE IS HEREBY GIVEN** that the Vehicle and/Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of the Town of Lancaster is hereby amended as follows:

**CHAPTER 46**

**STOP AND YIELD INTERSECTIONS**

**§46-8, Stop Intersections designated, is hereby amended by adding thereto the following:**

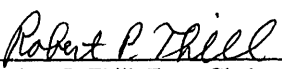
<u>STREET NAME</u>	<u>INTERSECTING STREET</u>	<u>SIGN LOCATION</u>
<b>STONYBROOK SOUTH SUBDIVISION</b>		
<b>add:</b>		
Westbury Lane	Stonehedge Drive	S/W Corner
Stonehedge Drive	Westbury Lane	N/E Corner
Stonybrook Drive	Westbury Lane	N/W Corner

**September 20, 1999**

**STATE OF NEW YORK :  
COUNTY OF ERIE : ss:  
TOWN OF LANCASTER :**

**THIS IS TO CERTIFY** that I, **ROBERT P. THILL**, Town Clerk of the Town of Lancaster in the said Town of Lancaster in the said County of Erie, have compared the foregoing copy of an amendment to the Vehicle and Traffic Ordinance of the Town of Lancaster, with the original thereof filed in my office at Lancaster, New York on the 20th day of September, 1999, and that the same is a true and correct copy of said original, and of the whole thereof.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of said Town, this 20th day of September, 1999.

  
Robert P. Thill, Town Clerk

**THE FOLLOWING RESOLUTION WAS OFFERED**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO MOVED  
ITS ADOPTION,                      SECONDED BY COUNCIL  
MEMBER MARYNIEWSKI,                      TO WIT:

**WHEREAS**, the Town Board has previously duly advertised for bids to furnish One (1) New and Unused Frick Plow (Model 640SCK) and Dyna Hauler Steel Dump Body for use by the Highway Department of the Town of Lancaster, and

**WHEREAS**, bids were received and opened on August 12, 1999, and

**WHEREAS**, by letter dated September 16, 1999, the Highway Superintendent has recommended that the bid of Kaminski Refrigeration and Truck Equipment, 245 Lewis Street, Buffalo, New York 14206 for One (1) New and Unused Frick Plow (Model 640SCK) and Dyna Hauler Steel Dump Body the amount of \$34,729.00 being the lowest responsible bid in conformance with the specifications on file in the Town Clerk's office, be accepted by the Town for this equipment;

**NOW, THEREFORE, BE IT**

**RESOLVED**, as follows:

1. That the Town Board of the Town of Lancaster hereby awards the bid for One (1) New and Unused Frick Plow (Model 640SCK) and a Dyna Hauler Steel Dump Body for use by the Highway Department, to Kaminski Refrigeration and Truck Equipment, 245 Lewis Street, Buffalo, New York 14206, said bidder being the lowest responsible bidder in conformance with the specifications on file in the office of the Town Clerk, in the amount of \$34,729.00.

2. That the Highway Superintendent be and is hereby authorized to order such equipment.

3. This equipment shall be paid for from the proceeds of a Note Issue provided for by a Bond Resolution adopted July 6, 1998

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 20, 1999  
FILE: RAHWY2.999

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCIL  
MEMBER STEMPIAK, TO WIT:

**WHEREAS**, the Town Board has previously duly advertised for bids to furnish One (1) New and Unused 2000 2-Wheel Drive Freightliner Cab and Chassis (Model #FLD112SD) for use by the Highway Department of the Town of Lancaster, and

**WHEREAS**, bids were received and opened on August 12, 1999, and

**WHEREAS**, by letter dated August 25, 1999, the Highway Superintendent has recommended that the bid of Fleet Maintenance Inc., 67 Ransier Drive, West Seneca, New York 14224 for One (1) New and Unused 2000 2-Wheel Drive Freightliner Cab and Chassis (Model #FLD112SD) in the amount of \$79,052.00 being the lowest responsible bid in conformance with the specifications on file in the Town Clerk's office, be accepted by the Town for this equipment;

**NOW, THEREFORE, BE IT  
RESOLVED**, as follows:

1. That the Town Board of the Town of Lancaster hereby awards the bid for One (1) New and Unused 2000 2-Wheel Drive Freightliner Cab and Chassis (Model #FLD112SD) for use by the Highway Department to Fleet Maintenance Inc., 67 Ransier Drive, West Seneca, New York 14224, said bidder being the lowest responsible bidder in conformance with the specifications on file in the office of the Town Clerk, in the amount of \$79,052.00.
2. That the Highway Superintendent be and is hereby authorized to order such equipment.
3. This equipment shall be paid for from the proceeds of a Note Issue provided for by a Bond Resolution adopted July 6, 1998

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 20, 1999  
File: rahwyl.999

THE FOLLOWING RESOLUTION WAS OFFERED  
BY, COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS, Wehrle Associates, LLC, 100 Seneca Street, Buffalo, New York,**  
York, the owner of a parcel of property located on the south side of Wehrle Drive, east of  
Transit Road and 866.12 feet east of North Maple Drive and locally known as 2739 Wehrle  
Drive, in the Town of Lancaster, New York, has petitioned the Town Board of the said Town  
for the rezone of said property from an R1-Residential District One to an RCO-Residential  
Commercial Office District, and

**WHEREAS,** the Petition has been referred to the Planning Board of the Town of  
Lancaster for its recommendation and report;

**NOW, THEREFORE, BE IT**

**RESOLVED,** that pursuant to Sections 130 and 265 of the Town Law of the  
State of New York a Public Hearing on the proposed rezone will be held at the Town Hall, 21  
Central Avenue, Lancaster, New York, on the 4th day of October, 1999, at 8:40 o'clock P.M.,  
Local Time, and that Notice of the time and Place of such Hearing be published in the  
Lancaster Bee, a newspaper of general circulation in said Town and be posted on the Town  
Bulletin Board, and that Notice of such Hearing be referred to the Erie County Department of  
Planning, pursuant top Section 239 (m) of the General Municipal Law, which Notice shall be in  
form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll  
call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 20, 1999

File: rrezwrlc.999

**LEGAL NOTICE  
PUBLIC HEARING  
REZONE -WEHRLE ASSOCIATES, LLC  
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 20th day of September, 1999, the said Town Board will hold a Public Hearing on the 4th day of October, 1999, at 8:40 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the following proposed amendment to the Zoning Ordinance and Zoning Map of the Town of Lancaster, rezoning the following described real property located on the south side of Wehrle Drive, approximately 866.12 feet east of North Maple Drive and locally known as 2739 Wehrle Drive, Lancaster, New York, from an R-1 - Residential District One to an RCO-Residential Commercial Office District:

**ALL THAT TRACT OR PARCEL OF LAND** situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot No. 8, Section 12, Township 11, Range 6 of the Holland Land Company's Survey, described as follows:

**BEGINNING** at a point in the north line of said Lot and distant 231 feet west from northwest corner of said lot;

**THENCE** south and parallel with the west line of said lot, 465.30 feet;

**THENCE** east parallel with the north line of said lot, 330 feet;

**THENCE** north parallel with the west line of said lot 465.30 feet to the north line of said lot;

**THENCE** west along the north line of said lot 330 feet to the place of beginning, containing approximately 3.11 acres.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

TOWN BOARD OF THE  
TOWN OF LANCASTER

BY: ROBERT P. THILL  
Town Clerk

September 20, 1999

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER MARYNIEWSKI, TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered  
paid from their respective accounts as per abstract to be filed in the Office of the Town Clerk  
by the Director of Administration and Finance, to wit:

Claim No. 10726 to Claim No. 10959 Inclusive

Total amount hereby authorized to be paid: **\$732,787.27**

The question of the adoption of the foregoing resolution was duly put to a vote  
on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 20, 1999

File: Rclams



THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MARYNIEWSKI, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**RESOLVED** that the following Building Permit Applications be and are hereby  
approved and the issuance of these Building Permits be and are hereby authorized:

**CODES:**

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are  
waived for this permit.

(CSW) = Conditional sidewalk waiver.

**NEW PERMITS:**

Pmt #	SW	Applicant Name	Address	Structure
6322		Wdowik, Anthony	5063 William St	Er. Garage
6323		Haefner, Kevin	52 Quail Run Ln	Er. Pool
6324		Haefner, Kevin	52 Quail Run Ln	Er. Fence
6325		Krawczyk, Gerard	10 Rollingwood Dr	Res. Addition
6326		Domanowski, Jeanette	11 C St	Er. Shed
6327		Walczyk, Robert	20 Candlestick Ct	Er. Shed
6328		Putnam, Eric	5248 Genesee St	Com. Addition
6329		Gallagher, Dean	3 Windcroft Ln	Er. Shed
6330		Haniszewski, Paul	946 Ransom Rd	Res. Addition
6331		Czajka, Joseph	151 Schwartz Rd	Er. Pool
6332		Czajka, Joseph	151 Schwartz Rd	Er. Fence
6333		RHF Development JV	5094 William St	Er. Sin. Dwlg
6334		Borowiak, Frank	167 Peppermint Rd	Er. Fence
6335		Lancaster-Rehm Assoc	6363 Transit Rd	Er. Fence
6336		Nendza, Richard	9 Greenbriar Dr	Er. Shed
6337		RJF Development	1 Parkedge Dr	Er. Deck
6338		Wicks, John Jr	5767 Genesee St	Com. Addition
6339		Marrano/Marc Equity	384 Seneca Pl	Er. Sin. Dwlg
6340		Pleasantview Assoc	20 Whitestone Ln	Er. Sin. Dwlg
6341		Marrano/Marc Equity	66 Whitestone Ln	Er. Sin. Dwlg
6342		Nawrocki, Daniel	749 Ransom Rd	Er. Garage
6343		Thoreau Dev of WNY Inc	16 Hedge Ln	Er. Sin. Dwlg
6344		Sweet, William	54 Woodgate Dr	Er. Deck
6345		Thoreau Dev of WNY Inc	10 Hedge Ln	Er. Sin. Dwlg
6346		Thoreau Dev of WNY Inc	14 Hedge Ln	Er. Sin. Dwlg
6347		Thoreau Dev of WNY Inc	12 Hedge Ln	Er. Sin. Dwlg
6348		Torba, John	219 Seneca Pl	Er. Fireplace/Stove
6349		Lenhard, Matthew	69 Michael's Walk	Er. Fence
6350		Thomas, Joseph	56 Summit St	Er. Shed

6351	Pyjas, Charles	372 Lake Ave	Er. Shed
6352	Walnut Creek JT	281 Enchanted Forest N	Er. Sin. Dwlg
6353	NVR Inc	42 Stream View Ln	Er. Fence
6354	Helminiak, Robert	699 Schwartz Rd	Er. Res. Addition
6355	Wait, Richard	79 Williamsburg Ln	Er. Fence
6356	Meadowood Partners	4845 Transit Rd	Er. Temp Sign
6357	Bella Vista Group	4893 Transit Rd	Er. Temp Sign
6358	Musialowski, Paul	5002 William St	Res. Addition
6359	Town of Lancaster IDA	5045 Transit Rd	Er. Tower
6360	Smith, Stephen	91 Newberry Ln	Er. Shed

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance requirement for sidewalks, and

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 20, 1999

File:Rbldg2

**COMMUNICATIONS:**

- 508. Town Attorney to Kenneth Kilbert Esq. -  
Statement of Town's desire not to enter into a settlement with Pfohl Brothers PRP Group. DISPOSITION = Received and Filed
- 509. Town Clerk to Town Board -  
Transmittal of Special Use Permit for Terry Galanis for review and determination. DISPOSITION = Received and Filed
- 510. Bowmansville Vol. Fire Association to Town Board -  
Request approval of member to association. DISPOSITION = Received and Filed
- 511. Town Clerk to Town Board -  
Transmittal of Monthly Report for August, 1999. DISPOSITION = Received and Filed
- 512. Office of the State Comptroller to Fiscal Officer of Town of Lancaster -  
Notice of New York State Environmental Corporation State Revolving Loan Funds available to finance eligible clean water and drinking water projects. DISPOSITION = Received and Filed
- 513. NYS Office of Real Property Services to Supervisor -  
Invitation to participate in a collaborative process that could provide more state aid to municipality. DISPOSITION = Supervisor
- 514. District Union Local One to Town Board -  
Transmittal of approval for development on Transit Road by Bella Vista. DISPOSITION = Planning Committee
- 515. Highway Superintendent to Planning Board Chairman -  
Transmittal of notice of no concerns re: Hillview Baptist Church. DISPOSITION = Received and Filed
- 516. Highway Superintendent to Planning Board Chairman -  
Transmittal of no concerns re: Flix Theater addition. DISPOSITION = Received and Filed
- 517. Supervisor to Town Board -  
Conveyance of 2000 Special Districts Tentative Budget. DISPOSITION = Received and Filed
- 518. Highway Superintendent to Town Board -  
Request purchase of new and unused Frick plow and a Dyna Hauler steel dump body. DISPOSITION = Received and Filed
- 519. David Seeger, Attorney to Town Clerk -  
Request to forward to TVGA additional request re: NEC Transit/William LLC rezone. DISPOSITION = Town Attorney
- 520. Zee Kowalski to Town Board -  
Comments re: fencing Tops Transit/Rehm. DISPOSITION = Planning Committee
- 521. NYS Dept. of Environmental Conservation to Town Attorney -  
Review and comments re: draft scoping document re: proposed rezone NEC Transit/William LLC. DISPOSITION = Planning Committee
- 522. Roy Schneggenburger to Supervisor -  
Request to be allowed to attend budget work sessions. DISPOSITION = Received and Filed
- 523. Erie County Legislator Larson to Town Board -  
Transmittal of resolution re: traffic Safety Initiatives along Harris Hill Road in Lancaster. DISPOSITION = Received and Filed

524. Association of Erie County Governments to Town Board -  
Notice of meeting September 23, 1999. DISPOSITION = Received and Filed
525. NYS Dept. of Transportation to Supervisor -  
Transmittal for review and comments one copy of the Advanced Detail Plans re:  
road work on Walden Avenue from Conrail overpass to Cemetery Road.  
DISPOSITION = Town Engineer
526. TVGA Engineering, Surveying to Supervisor -  
Request consideration for engineering services to the Town. DISPOSITION =  
Received and Filed
527. Association of Erie County Governments to Supervisor -  
Transmittal of "Cable Quick Survey Results". DISPOSITION = Received and  
Filed
528. Erie County Executive to Supervisor -  
Conveyance of contract with Erie County re: *Stop DWI Program*. DISPOSITION =  
Received and Filed
529. Planning Board to Town Board -  
Transmittal of minutes of meeting September 15, 1999. DISPOSITION = Received  
and Filed
530. Planning Board to Town Board -  
Conveyance of approval for zoning amendment application of Wehrle Associates.  
DISPOSITION = Received and Filed
531. Planning Board to Town Board -  
Transmittal of approval for site plan application of Flix Theater. DISPOSITION =  
Received and Filed
532. Planning Board to Town Board -  
Transmittal of approval for site plan application of Hillview Baptist Church.  
DISPOSITION = Received and Filed
533. Cheektowaga Building Inspector to Cheektowaga Councilmember Thomas Johnson -  
Observations re: draft scoping document for NEC Transit/William LLC rezone  
application. DISPOSITION = Planning Committee, Town Attorney

**ADJOURNMENT:**

ON MOTION OF COUNCIL MEMBER MONTOUR AND SECONDED BY  
THE ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 9:30 P.M.

Signed Robert P. Thill  
Robert P. Thill, Town Clerk